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DEC 16 2011

Ref: 8EPR-N

Mr. John Cater
Division Administrator
Federal Highways Administration
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

Mr. Don Hunt
Executive Director
Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, CO 80222

Re: I-25 Improvements through Pueblo Draft Environmental Impact Statement, Colorado
CEQ # 20110368

Dear Mr. Cater and Mr. Hunt:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the I-25 Improvements through Pueblo Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation prepared by the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information present, EPA is rating the Preferred Alternative an EC-2 (Environmental Concerns - Insufficient Information). A copy of EPA's rating criteria is attached.

PROJECT DESCRIPTION

The FHWA and CDOT propose improvements to 7 miles of Interstate 25 (I-25) from just south of US Highway 50/State Highway 47 to just south of Pueblo Boulevard in Pueblo, Colorado. The purpose of this project, the New Pueblo Freeway, is to: (1) improve safety by addressing deteriorating roadways and bridges and unsafe road characteristics on I-25, and (2) improve local and regional mobility within and through the city to meet existing and future travel demands. Two build alternatives, the Existing I-25

alternative and the Modified I-25 alternative, as well as the No Action alternative are analyzed in the Draft EIS. Both build alternatives widen the highway from four to six lanes, straighten I-25 through the downtown area, reduce the number of interchanges from 11 to 5, create new frontage roads and extend other roads, and include bicycle and pedestrian enhancements. The major difference between the two alternatives is that the Existing I-25 alternative would relocate the Union Pacific Railroad (UPRR) tracks and the Modified I-25 alternative would shift the alignment of I-25 to the east between Abriendo Avenue and Indiana Avenue to avoid relocating the UPRR tracks.

The FHWA and CDOT have preliminarily identified the Modified I-25 alternative as the preferred alternative for the New Pueblo Freeway project because it best meets the project purpose and need and, with the proposed mitigation, appears to cause the least overall harm to Section 4(f) properties. Due to funding constraints, the project will be built in three phases.

ENVIRONMENTAL CONCERNS

Environmental Justice

FHWA and CDOT conducted a very commendable outreach effort to engage the environmental justice (EJ) communities that live alongside this 7-mile stretch of the I-25 corridor in Pueblo. In doing so, the agencies acknowledged the community vision (Exhibit 1-6) for fair treatment and meaningful involvement for the affected communities. In Exhibit 3.6-3, the EIS indicates that except for air quality, the impacts are predominantly borne by minority/low-income populations, but that in no instances are impacts to minority/low income populations considered disproportionately high and adverse. The EPA believes that these EJ communities may be disproportionately adversely impacted. However, the EPA acknowledges that most of these impacts are mitigated, that FHWA and CDOT have appropriately involved the affected communities in determining mitigation, and that these EJ populations will ultimately benefit from the enhanced parks, the increased connectivity within their neighborhoods and across the city, the potential construction jobs and the noise walls.

Exhibit 3.6-3 states "No adverse air quality impacts are anticipated under both Build Alternatives." While that may be true once the project is completed, it is likely that these EJ communities, which are immediately adjacent to the highway and old interchanges that will be replaced, will be exposed to fugitive dust emissions (PM_{10}) and diesel engine emissions (especially $PM_{2.5}$) during construction. Particulate emissions particularly affect the health of children, the elderly and the health-impaired. The EPA is concerned that there is no discussion of potential health effects from construction emissions in the EJ section in the DEIS or in the EJ Technical Memorandum except for the brief mention of fugitive dust in Exhibit 3.6-3.

The EPA recommends that FHWA and CDOT acknowledge in the FEIS that the EJ communities are disproportionately adversely impacted by this project compared to the general population, but that these impacts will be mitigated. The EPA further recommends that the agencies break out air quality in Exhibit 3.6-3 to reflect impacts during construction and after completion of the project. In addition, EPA recommends that the FEIS include a discussion on potential health impacts to EJ communities along the corridor during construction and mitigation for these impacts.

Air Quality

The EPA notes that when a highway is constructed, widened or expanded and is moved closer to residences and other critical receptors, the localized concentrations of Mobile Source Air Toxics (MSAT) will likely be higher for the build alternatives than existing conditions or the no action alternative. While over time regional concentrations of MSATs will decrease over time due to federal vehicle and fuel regulations, this does not preclude the possibility of localized emission increases and potential impacts during construction. This is important because according to EPA's final rule on MSATs published in the Federal Register on February 26, 2007, MSATs "… have the potential for serious adverse health effects. Some MSATs are known or suspected to cause cancer. Some of these pollutants are also known to have adverse health effects on people's respiratory, cardiovascular, neurological, immune, reproductive, or other organ systems and they may also have developmental effects. Some may pose particular hazards to more susceptible and sensitive populations, such as pregnant women, children, the elderly, or people with pre-existing illnesses" (72 FR 8428).

As shown in Exhibit ES-6 and Exhibit 3.0-2, this project will be constructed directly adjacent to several residential areas. For purposes of public disclosure, estimated emissions of the MSATs of concern should be considered for inclusion in the FEIS. This can be performed with EPA's MOBILE6.2 model, however, preferably and more accurately with EPA's current model, the Motor Vehicle Emissions Simulator model (MOVES) MOVES2010a model. This analysis would be useful to determine whether future conditions will be worse than baseline conditions, and whether one alternative has more impact than another. MSAT analysis would be helpful to the public and the decision maker in identifying available mitigation. For purposes of comparison, this analysis could compare the existing (2002) and future (2035) years with information provided similar to that found in Exhibit 5.10-13 "Annual Mobile Source Air Toxics Emissions by Alternative" in the DEIS for the I-70 East project (see: http://www.i-70east.com/reports.html). Additional comments regarding air quality are discussed in our detailed comments.

Thank you for the opportunity to provide comments on the I-25 Improvements through Pueblo Draft EIS. If you have any questions or would like to discuss our comments or rating, please contact me at 303-312-6925 or Carol Anderson of my staff at 303-312-6058.

Sincerely,

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc by email:
Chris Horn, Federal Highway Administration
Richard Zamora, Colorado Department of Transportation, Region 2

Enclosures:

EPA's Rating System
Detailed Comments

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

I-25 IMPROVEMENTS THROUGH PUEBLO DEIS
DETAILED COMMENTS

Air Quality

Mobile Source Air Toxics (MSAT)

Page 3.10-3: The document states in the first column, last paragraph, first sentence, "The estimated average annual daily traffic (AADT) volume for the New Pueblo Freeway project is much lower than the 140,000 AADT threshold." The project's AADT are not given to support this statement and should be provided for the existing conditions (2002) and both the no-build and build alternatives for 2035.

Page 3.10-3: The document states in the second column, first paragraph, last sentence, "… emissions increases cannot be reliably projected due to the inherent deficiencies of the technical models." EPA's MOVES 2010a model is the newest evaluation tool available and has been approved for quantitative carbon monoxide (CO) and $PM_{2.5}$ / PM_{10} hotspot analyses. (See http://www.epa.gov/otaq/models/moves/index.htm for further information.) The EPA believes a discussion of the MOVES2010a model would enhance the public's understanding of what emissions evaluation tools are currently available; the capabilities of the MOVES2010a model; and how it can calculate regional, county and project level emissions of criteria, MSAT pollutants and greenhouse gases.

Traffic Information

Page 3.10-3, Exhibit 3.10-3 "Daily Vehicle Miles Traveled in Project Area (2035):" This table may be mislabeled. It appears these data were derived from the "Addendum to Traffic Report-September 2004" that was included with the DEIS's "Traffic Report Technical Memorandum." The Addendum states on its first page, third paragraph, first sentence, "Evening peak traffic was analyzed …." This may only address the peak one-hour traffic. Exhibit 3 of the Addendum includes "Total Vehicle Miles," which appears to correlate to those vehicle miles traveled (VMT) in Exhibit 3.10-3, but these may only represent a single hour and not daily VMT.

In addition, EPA notes that on page 3.17-2, Exhibit 3.17-1 "2035 Peak-hour Vehicle Miles Traveled in the I-25 Corridor (PM Peak)" that these peak-hour VMT numbers are substantially larger than those shown in Exhibit 3.10-3. We question whether this table is mislabeled and instead depicts Daily VMT in the project corridor.

For clarity and a better comparison of the existing conditions of 2002 (Exhibit 3.1-7 and the Traffic Report Technical Memorandum) and those projected in 2035, EPA recommends that tables be prepared to present the following information in Section 3.10 Air Quality:

- Project corridor Peak PM VMT for 2002 and the 2035 no-build and two build alternatives,
- Project corridor Daily total VMT for 2002 and the 2035 no-build and two build alternatives,

- Tables similar to Exhibit 3.17-1 and 3.17-2, but that are expanded to include data for the existing conditions in 2002.

Construction Mitigation

Page 3.10-4, section 3.10-3, Mitigation: As stated in the cover letter, the EPA is concerned about potential health impacts to the general public and EJ communities aligning the corridor during construction. Factors to be considered are the immediate proximity of the I-25 highway project to homes, schools, businesses and other sensitive populations. With similar concerns, the Colorado Department of Public Health and Environment (CDPHE) mandated PM_{10} monitoring in the construction permit for the T-REX project in Denver and is considering doing the same for the I-70 East project, a highway corridor similar to Pueblo's with EJ communities adjacent to the roadway. As there have been recent advances in real time monitoring technology, FHWA and CDOT should consider working with the CDPHE's Particulate Monitoring group in the Technical Services program of the Air division (303-692-3235) to capitalize on these advances for this project. The EPA recommends PM_{10} monitoring during construction.

Although the DEIS states that best management practices (BMPs) will be utilized during construction, potential localized impacts from $PM_{2.5}$ and PM_{10} emissions could occur. EPA recommends that the monitoring plan include elements such as how the monitoring will be performed, identification of action levels for the monitored data and how the data will be shared with the appropriate agencies and the public. A complete monitoring plan would demonstrate how well the preferred alternative resolves potential dust emissions concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects.

In addition to the mitigation measures noted in section 3.10.3, we suggest that consideration be given to all the possible methods and techniques that might be employed to mitigate the negative impacts of the project's construction phases on air quality. The following specific construction mitigation measures to reduce impacts should be considered for inclusion in the Final EIS:

- Requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control.
- Requiring diesel retrofit of construction vehicle engines and equipment as appropriate.
- Using alternatives for diesel engines and/or diesel fuels such as: biodiesel, LNG or CNG, fuel cells, and electric engines.
- Installing engine pre-heater devices to eliminate unnecessary idling during winter time construction.
- Prohibiting the tampering of equipment to increase horsepower or to defeat emission control devices effectiveness.
- Requiring construction vehicle engines to be properly tuned and maintained.
- Using construction vehicles and equipment with the minimum practical engine size for the intended job.
- Using water or wetting agent to control dust.
- Using wind barriers and wind screens to prevent spreading of dust from the site.
- Having a wheel wash station and/or crushed stone apron at egress/ingress areas to prevent dirt being tracked onto public streets.
- Using vacuum-powered street sweepers to remove dirt tracked onto streets.

- Covering, as appropriate, all dump/haul trucks leaving sites.
- Covering or wetting temporary excavated materials.
- Using a binding agent for long-term excavated materials.
- Locating diesel engines as far away as possible from residential areas.
- Locating staging areas as far away as possible from residential uses.
- Using construction vehicles and equipment with the minimum practical engine size for the intended job.
- Scheduling work outside of normal hours for sensitive receptors; this should be necessary only in extreme circumstances, such as construction immediately adjacent to a health care facility, church, outdoor playground, or school.

Global Climate Change

Pages 3.23-15 through 3.23-17 and Exhibit 3-23-4: The DEIS includes a thoughtful discussion and data regarding global climate change.